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SENATE BILL 318

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Mary Jane M. Garcia

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING CRIME VICTIMS WITH A CAUSE OF ACTION FOR DAMAGES THAT RESULT FROM FAILURE TO ENFORCE THE PROVISIONS OF THE VICTIMS OF CRIME ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-26-13 NMSA 1978 (being Laws 1994, Chapter 144, Section 13) is amended to read:

"31-26-13. [~~DISCLAIMER~~] LIMITED IMMUNITY. --

A. Nothing in the Victims of Crime Act creates a cause of action on behalf of a person against a public employer, public employee, public agency, the state or any agency responsible for the enforcement of victim's rights or provision of services set forth in that act.

B. The immunity granted pursuant to Subsection A of this section does not apply to liability for a victim's damages

underscored material = new  
[bracketed material] = del etc

1 that result from bodily injury, wrongful death or property  
2 damage caused by the negligence of a public employee, while  
3 acting within the scope of his duties, who fails to enforce the  
4 victim's rights or provide services set forth in the Victims of  
5 Crime Act. "

6 Section 2. EFFECTIVE DATE. --The effective date of the  
7 provisions of this act is July 1, 2003.

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